

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON AGRICULTURE**

**Call to Order:** By **CHAIRMAN DIANE RICE**, on January 16, 2003 at 3:00 P.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Verdell Jackson, Vice Chairman (R)  
Rep. Ralph Lenhart, Vice Chairman (D)  
Rep. Norman Ballantyne (D)  
Rep. Bob Bergren (D)  
Rep. Norma Bixby (D)  
Rep. Carol Lambert (R)  
Rep. Jim Peterson (R)  
Rep. Brennan Ryan (D)  
Rep. Veronica Small-Eastman (D)  
Rep. Frank Smith (D)  
Rep. Donald Steinbeisser (R)  
Rep. Bill Thomas (R)  
Rep. Karl Waitschies (R)

**Members Excused:** None.

**Members Absent:** Rep. Joan Andersen (R)  
Rep. Bruce Malcolm (R)

**Staff Present:** Lisa Gallagher, Committee Secretary  
Krista Lee Evans, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape stamp refers to material immediately following.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB: 278, 1/16/2003; HB:181,  
1/16/2003

Executive Action: none

**HEARING ON HB 278**

**Sponsor:** REPRESENTATIVE JOHN WITT, HD 89, CARTER

**Opening Statement by Sponsor:**

REP. JOHN WITT, submitted written testimony.

**EXHIBIT** (agh09a01)

REP. WITT summarized three amendments for this bill to the committee. He emphasized that these amendments help make this bill a stronger bill, and add to the bill.

REP. MALCOLM came in.

**Proponents' Testimony:**

Herb Karst, Montana Grain Growers, submitted written testimony.

**EXHIBIT** (agh09a02)

Barbara Broberg, Women Involved in Farm Economics (WIFE), stated that they are in support of this bill as amended.

Nancy Schlepp, Montana Farm Bureau, stated that they are in support of this bill as amended.

Mark Black, Montana Grain Elevators, stated that they were originally opposed to this bill however, they are now in support of this bill as amended.

Chris Christiaens, Montana Farmers Union, stated that they are in support of this bill as amended.

Gary DeFrance, stated that they are in support of this bill as amended.

**Opponents' Testimony:** none

**Informational Testimony:**

Bob Stevens, Montana Grain Growers, supplied information about how the grain is tested, and the price that is paid to the farmers. He handed out exhibits 3 through 6 to the committee.

**EXHIBIT** (agh09a03)

**EXHIBIT** (agh09a04)

**EXHIBIT** (agh09a05)

**EXHIBIT** (agh09a06)

**Ralph Peck, Director of the Department of Agriculture,** stated that he was an informational witness and if anyone had any questions he would be happy to answer them.

**Pam Langley, Montana Grain Elevators Association,** stated that there is a state grain lab and then there is a private grain lab (NQI).

**Questions from Committee Members and Responses:**

**REP. LAMBERT** asked **REP. WITT** why are the malting barley producers waived sending a sample to the state grain lab. **REP. WITT** stated that they rely on other sources.

**Director Peck** stated that years ago the grain industry put in a law that exempted the barley producers from tests, so that they could meet the needs of the malting industry. The USDA look at the standards and try and bring them closer to the needs and standards of the industry. The Department of Agriculture is working with the USDA to help meet those standards, however they were excluded in the first place because they did not meet the needs of the malting industry.

**REP. LENHART** asked **REP. WITT**, "When I sample out of the grain bin, would it be covered under this bill?" **REP. WITT** stated that, "Yes it probably would."

**Closing by Sponsor:**

**REP. WITT** said that this is an important bill for the agriculture community and asked for support.

**HEARING ON HB 181**

**Sponsor:** REPRESENTATIVE BILL THOMAS, HD 93, HOBSON

**Opening Statement by Sponsor:**

**REP. BILL THOMAS** said this is a bill that would put animals down in a very compassionate way. It would euthanize abandoned and unwanted animals. Currently veterinarians are the ones that are putting this animals down in a very compassionate way. This bill would allow for certified euthanasia technician who would have to be licensed by the DEA. About 15,000 animals are put down every year. A survey was conducted and the results of this survey are exhibit 7.

**EXHIBIT (agh09a07)**

**{Tape: 1; Side: B; Approx. Time Counter: 0 - 1.3}**

REP. THOMAS continued, saying that there is a fiscal note and it calls for the licensing fees to cover the cost of the program. He added that there is one amendment that he would like to add to this bill.

**EXHIBIT** (agh09a08)

**REP. ANDERSON** came in.

**Proponents' Testimony:**

**Stuart Doggett, Montana Veterinarian Medical Association (MVMA)**, said that this bill provides a licensing process. It does not overturn Section 45. This bill adds a couple of new sections like: 1) the purpose; 2) the definitions; 3) the powers of the board; 4) the duties of the certified agency; 5) the certified euthanasia technician; 10) the effective date; 11) the termination date, just in case the law needs to be changed.

**Erick Sorenson, President of MVMA**, stated that SB 314 from the 2001 Legislative Session was voted down, and for good reason. This bill is a good bill for a difficult situation. It puts down unwanted and abandoned animals in a very humane way. People can still take their animals to the vet to be put down. All this bill does is standardize the system. Right now there are a variety of methods to putting an animal down, like lethal injection, decompressing the air, or shooting them. This bill would help standardize this. One thing that he would like to see changed is the wording on line 19 through 21, so it just read "abandoned and condemned animals," because the words "suffering and diseased animals" imply that a medical decision has been made about their health.

**Dave Pauli, Montana Animal Care Association**, stated that more agencies have asked for regulations. About 15,000 to 20,000 animals are put down every year, and this bill does not mandate that the shelters have to do it this way. They can still arrange with a vet to have these animals put down, but it gives them another option.

**Vicki Brester, AWL/MACA**, stated that she is directly affected by this. She has worked for 14 years euthanizing animals and now the drug that she has used is not available. This drug helps get this process done in a timely manner. Without this drug, one has to wait on the schedule of a vet. The drug helps complete the job and with this bill, they will have access to this drug.

**Linda Hughes, Cascade County Humane Society/MACA**, stated that the hardest part of her job is making the decision of what animals to put down. The second-hardest part is putting the animals down so that they have a better death. She has sent her employees to training and everyone had a different quality of education at these trainings. Euthanasia is used as a last resort, when all of the adoption possibilities have run out. Her shelter used to have to schedule with a vet to have these animals put down. It was a guessing game, sometimes she picked too many to die and other times she picked too few.

**Opponents' Testimony:** none

**Informational Testimony:**

***{Tape: 1; Side: B; Approx. Time Counter: 21.8 - 23.5}***

**Jean Lindley, President, Board of Veterinary Medicine**, submitted her written testimony.

**EXHIBIT** (agh09a09)

**Chris Smith, Chief of Staff Fish Wildlife and Parks**, stated that at first they were uncertain how this bill was going to affect them however, it does not apply to the management of FWLP.

**Jim Brown, Department of Labor and Industry**, stated that he was an informational witness and would answer any questions.

**Questions from Committee Members and Responses:**

**REP. LAMBERT** asked **REP. THOMAS** if the support person who will be doing this has any special schooling or training. **REP. THOMAS** deferred the question to **Stuart Doggett** who stated that this will restore common practice, and it will clarify what duties the support personnel can perform who work for the vet.

**REP. LAMBERT** asked if the support personnel has any special training. **Stuart Doggett** said that working under the supervision of a vet they gets lots of special training.

**REP. LAMBERT** asked what would happen if she worked for a vet and took her dog home and put it down. She questioned if she would be in trouble because it is against the law to possess this drug.

***{Tape: 2; Side: A; Approx. Time Counter: 0 - 1.5}***

**Stuart Doggett** said one needs a doctor's license to possess this drug, and they must have training.

**REP. LAMBERT** wondered if the technicians would be trained personnel. **Stuart Doggett** replied that they would.

**REP. MALCOLM** said if all of the adjectives in lines 19 through 21 could be taken out and just put in the word "animals." **Erick Sorenson** said that the reason for the bill is for animals at shelters that do not have homes, not animals in general. These are animals that have no owners and are unwanted by society.

*{Tape: 2; Side: A; Approx. Time Counter: 4.7}*

**REP. RICE** asked **Vicki Brester** what drug she was referring to and why couldn't she use it anymore. **Vicki Brester** said that it is the drug sodium pentobarbital. Right now it is on the order of a vet, and that is the only way that you can get it. It is not easy to get and the vet can be sued. With this bill one will be able to get this when they are DEA certified and it will take the vet liability out. The same security measures will apply, however now the vet will not be able to be sued.

**REP. RICE** asked **Vicki Brester** if she had any problems. **Vicki Brester** said, "No."

**REP. RICE** asked **Vicki Brester** if she had heard of any problems throughout the state. **Vicki Brester** said that she heard about two dogs that looked the same and the wrong one was put down. She also said that would never happen at her shelter because she knows all the dogs.

**REP. RICE** asked **Vicki Brester** if any vets have been sued in the 14 years she has been practicing. **Vicki Brester** said, "No."

**REP. LAMBERT** asked **Vicki Brester** how could one get certified. **Vicki Brester** said that she would have to go before a certified team of vets, and they would assess her skill. Then there is a DEA part that deals with safety and drugs. Then there is the technical part where she would administer the drug and the vet would watch.

**Closing by Sponsor:**

*{Tape: 2; Side: A; Approx. Time Counter: 9.6 - 12.2}*

**REP. THOMAS** said that in regard to the ownership of the drug, the shelter possess the drug and the certified administrators are allowed to administer the drug. In the veterinary office, they possess the drug and the vet allows the trained personnel to

administer the drug. There is a concern with the controlled substance, because they are dangerous and have a high street value. There is no impact to the general fund with this bill, and he urged a DO PASS.

**EXECUTIVE ACTION ON HB 47**

**DISCUSSION:**

***{Tape: 2; Side: A; Approx. Time Counter: 12.5}***

**REP. PETERSON** said that in regard to herd districts he had a concern about the maintenance of the fence once it has been built. He talked to the sponsor of the bill and he has agreed to except an amendment that would change the bill so that the cost of the maintenance of the fence would be born by the members of the herd district. He then went to have an amendment prepared, however the title of this bill restricts that, so he would like to make this a committee bill.

**Krista Lee Evans** said that you can't make this a committee bill, it needs to stand alone. You can either table the bill or pass it.

**REP. LAMBERT** asked **Krista Lee Evans**, "What about the dissolve issue in regard to removing the fence in a herd district?"

**Krista Lee Evans** stated that **REP. CLARK** chose not to address the dissolve issue in this bill.

**REP. PETERSON** stated that he would like to delay executive action on this bill until he can talk to the sponsor of this bill and let him know what is going on.

**Motion/Vote:** **REP. ANDERSEN** moved to **DELAY EXECUTIVE ACTION ON HB 47. Motion carried 16-0** by show of hands.

**DISCUSSION:**

**REP. BERGREN** asked about the current maintenance of the fence.

**Krista Lee Evans** stated that the law reads that the maintenance is 50/50, and that the petitioners cover the initial cost of the fence.

**REP. BERGREN** asked **REP. PETERSON** if the 50/50 addresses his concern.

***{Tape: 2; Side: A; Approx. Time Counter: 21.7 - 22.6}***

**REP. PETERSON** said that he wants it so that 100% of the maintenance is covered by the members of the herd district.

**REP. WAITSCHIES** said that when the petitioner dies or leaves the area, the maintenance passes to the land owner and that is the reason why they wanted that language changed.



**ADJOURNMENT**

Adjournment: 4:25 P.M.

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REP. DIANE RICE, Chairman

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LISA GALLAGHER, Secretary

DR/LG

**EXHIBIT** (agh09aad)